

CODIFIED ORDINANCES OF LOUDOUN COUNTY  
PART FOURTEEN - BUILDING AND HOUSING CODE

Chap. 1410. Virginia Uniform Statewide Building Code.

Chap. 1420. Certification of Plumbers, Electricians and Building-  
Related Mechanical Workers. (Repealed)

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Chapter 1410  
Virginia Uniform Statewide Building Code

EDITOR'S NOTE: The Virginia Uniform Statewide Building Code consists of:

The B.O.C.A. Basic Building Code  
The B.O.C.A. Basic Mechanical Code  
The B.O.C.A. Basic Plumbing Code  
The One and Two Family Dwelling Code  
The National Electrical Code  
The Virginia Administrative Amendments  
The Virginia Administrative Amendments consist of changes needed  
to adapt the model code for use in Virginia.

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| <p>1410.01 Adoption by reference; file and distribution copies.</p> <p>1410.02 Pending proceedings.</p> <p>1410.03 Interpretation.</p> <p>1410.04 Effective date; repealer.</p> <p>1410.05 Amendments. (Repealed)</p> | <p>1410.06 Plumbing Board. (Repealed)</p> <p>1410.07 Electrical Board. (Repealed)</p> <p>1410.08 Enforcement.</p> <p>1410.09 Fee schedule.</p> <p>1410.10 Appeals.</p> <p>1410.99 Penalty.</p> |
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CROSS REFERENCES

Statewide Building Code - see Code of Va. §§ 36-98, 36-98.3, 36-99, 36-104, 36-105, 36-106

Fences - see GEN. OFF. 618.01

Construction of swimming pools - see B.R. & T. 838.02 et seq., 838.13

Addressing of premises - see S.U. & P.S. Ch. 1026

Construction of sewers - see S.U. & P.S. Ch. 1060, 1064.10 et seq., Ch. 1070

Improvements in subdivisions - see P. & Z. Ch. 1245

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1410.01 ADOPTION BY REFERENCE; FILE AND DISTRIBUTION COPIES.

(a) For the purpose of establishing rules and regulations for the inspection, construction, alteration, repair, removal and demolition of buildings and structures not otherwise regulated in this Chapter - Building and Housing Code, for the installation of equipment, for the establishment of fees and for the imposition of penalties for violations, those portions of that certain building code known as the Virginia Uniform Statewide Building Code, as amended, which portions are specifically

identified and set forth in subsection (b) hereof, are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter takes effect, the provisions of such Building Code shall be controlling in all matters contained therein, and from such effective date all ordinances enacted prior hereto regulating the construction and alteration of buildings and structures are superseded.

(b) The following portions of the Virginia Uniform Statewide Building Code are hereby adopted for enforcement in the County:

- (1) "New Construction Code," in its entirety; and
- (2) "Property Maintenance Code," including and expressly limited to:
  - A. Unsafe structure provisions.
  - B. Occupancy limitations provisions.

(c) Copies of the Virginia Uniform Statewide Building Code are filed and are available for inspection in the offices of the Department of Building and Development in Leesburg, Virginia, which copies shall be made available for inspection and examination during regular County business hours, Monday through Friday, except for holidays or inclement weather closings. The department may charge a reasonable fee for distribution of the Building Code based on production and distribution costs.

(Ord. 87-09. Passed 7-20-87; Ord. 91-23. Passed 9-17-91; Ord. 93-13. Passed 11-17-93; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

#### 1410.02 PENDING PROCEEDINGS.

Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court, or any right acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character in existence prior to the adoption of this chapter be lost, impaired or affected by this chapter.

(Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03.)

#### 1410.03 INTERPRETATION.

Nothing in this chapter shall be construed to supersede the Zoning Administrator's authority under the Zoning Ordinance in matters outside of the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

(Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03.)

#### 1410.04 EFFECTIVE DATE.

Amendments and changes to this chapter shall be effective as of the date of adoption.  
(Ord. 87-09. Passed 7-20-87; Ord. 03-06. Passed 7-8-03.)

#### 1410.05 AMENDMENTS. (REPEALED)

(EDITOR'S NOTE: Section 1410.05 was repealed by Ordinance 03-06, passed July 7, 2003.)

#### 1410.06 PLUMBING BOARD. (REPEALED)

(EDITOR'S NOTE: Section 1410.06 was repealed by Ordinance 03-06, passed July 7, 2003.)

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#### 1410.07 ELECTRICAL BOARD. (REPEALED)

(EDITOR'S NOTE: Section 1410.07 was repealed by Ordinance 03-06, passed July 7, 2003.)

#### 1410.08 ENFORCEMENT.

(a) Generally. The Department of Building and Development through the "Building Official" is hereby designated the local building department for the purposes of enforcement of the "New Construction Code," and the unsafe structures provisions of the "Property Maintenance Code" of the Uniform Statewide Building Code. The Department of Building and Development through the "Building Maintenance Official" is hereby further designated as the enforcing agency with respect to those portions of the "Property Maintenance Code," of the Uniform Statewide Building Code, which are identified and adopted in this chapter, unless enforcement is expressly assigned to another agency.

(b) Administration. The Building Official and the Building Maintenance Official shall establish such procedures or requirements with regards to their respective sections of the Code as may be necessary for the administration and enforcement of this chapter. (Ord. 87-09. Passed 7-20-87; Ord. 91-23. Passed 9-17-91; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

#### 1410.09 FEE SCHEDULE.

(a) All permits issued under this chapter requiring the payment of a fee, shall be issued by the Building Official or his designated agent.

(b) A schedule of fees shall apply to permits issued under this chapter, which shall include fees allowed under the Virginia Code. This schedule will be published and updated, as needed, by the Department of Building and Development.

(c) For new buildings and commercial additions, the fee shall be based on the Building Valuation Data Report as published in the Building Official and Code Administrator Magazine, to be updated July 1 of each year to conform to the latest published Building Valuation Data Report. Type R4 fees shall be the same as R3. This fee includes all associated trade permit fees. For all other permits under this chapter, fees shall be established from time to time by the Board of Supervisors. (Ord. 03-06. Passed 7-8-03.)

#### 1410.10 APPEALS.

The County Board of Building Code Appeals is hereby designated as the board to hear appeals arising from the enforcement of the "New Construction Code," and those portions of the "Property Maintenance Code" of the Uniform Statewide Building Code, that the Department of Building and Development is responsible for regulation and enforcement pursuant to this chapter. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the County Board of Building Code Appeals. (Ord. 87-09. Passed 7-20-87; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

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**1410.99 PENALTY.**

(a) Any violation of this chapter may be deemed a civil violation in lieu of criminal sanctions and upon an admission or finding of liability, shall be punishable to the fullest extent as allowed by the Code of Virginia or by a fine of one hundred dollars (\$100.00) for the first violation and one hundred fifty dollars (\$150.00) for each additional violation, whichever is greater. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified civil violations arising from the same operative set of facts result in civil penalties which exceed the amount allowed under the Virginia Code, or a total of three thousand dollars (\$3,000.00), whichever is greater. Nothing in this chapter shall be construed as to prohibit the Building Official or the Building Maintenance Official from initiating civil injunction procedures in cases of repeat offenses or health and safety matters.

(b) After having served a notice of violation on any person or entity committing or permitting a violation under this chapter and if such violation has not ceased within such reasonable time as is specified in said notice, the Building Official, the Building Maintenance Official, or the designated personnel shall cause two copies of the summons or ticket to be sent via certified mail to such person or entity. If the person or entity complies in writing to a notice of violation, and agrees in writing to cease such violation, no further penalty fines shall be levied after the date of said agreement, provided the agreement is fully complied with within the time specified in said agreement.

(c) The summons shall provide that any person or entity summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, said admission is limited to civil actions and shall not be deemed an admission in a criminal proceeding.

(d) If a person or entity charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner and with the same right of appeal as provided by law.

(Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)



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